



United States Department of Agriculture

United States
Department of
Agriculture

Office of the Chief
Information Officer

1400 Independence
Avenue SW
Washington, DC
20250

May 6, 2019

Delivered via Electronic Mail

Austin R. Evers
American Oversight
1030 15th Street NW
Suite B255
Washington, DC 20005
foia@americanoversight.org

Re: Final Response for Freedom of Information Act (FOIA) Request No. 2019-DA-01319-F

Dear Mr. Evers:

This is the Departmental FOIA Office's (DFO) final response to the above-referenced FOIA request, seeking records for Brian Klippenstein, "to shed light on the influence of entities outside of USDA—whether in Congress or otherwise—on decisions related to the protection of threatened and endangered species." The following are the search parameters indicated in the request:

1) All records reflecting communications (including email messages, email attachments, calendar entries/invitations) between [Brian Klippenstein] and any of the following individuals (including emails where any custodian is copied or blind copied):

- a. Senator John Barrasso or any staffer or representative of Senator Barrasso (including any email address ending in @barrasso.senate.gov)
- b. Senator James Inhofe or any staffer or representative of Senator Inhofe (including any email address ending in @inhofe.senate.gov)
- c. Senator Mike Lee or any staffer or representative of Senator Lee (including any email address ending in @lee.senate.gov)
- d. Representative Rob Bishop or any staffer or representative of Representative Bishop (including but not limited to emails to or from rob.bishop@mail.house.gov)
- e. Representative Pete Olson or any staffer or representative of Representative Olson (including but not limited to emails to or from pete.olson@mail.house.gov)
- f. Representative Dan Newhouse or any staffer or representative of Representative Newhouse (including but not limited to emails to or from dan.newhouse@mail.house.gov)

- g. Representative Louie Gohmert or any staffer or representative of Representative Gohmert (including but not limited to emails to or from louie.gohmert@mail.house.gov)
- h. Representative Bill Huizenga or any staffer or representative of Representative Huizenga (including but not limited to emails to or from bill.huizenga@mail.house.gov)
- i. Representative Andy Biggs or any staffer or representative of Representative Biggs (including but not limited to emails to or from andy.biggs@mail.house.gov)
- j. Representative Steve Pearce or any staffer or representative of Representative Pearce (including but not limited to emails to or from steve.pearce@mail.house.gov)
- k. Representative Scott Tipton or any staffer or representative of Representative Tipton (including but not limited to emails to or from scott.tipton@mail.house.gov)
- l. Representative Bruce Westerman or any staffer or representative of Representative Westerman (including but not limited to emails to or from bruce.westerman@mail.house.gov)
- m. Representative Don Young or any staffer or representative of Representative Young (including but not limited to emails to or from don.young@mail.house.gov)
- n. Representative Ralph Norman or any staffer or representative of Representative Norman (including but not limited to emails to or from ralph.norman@mail.house.gov)
- o. Representative Mike Johnson or any staffer or representative of Representative Johnson (including but not limited to emails to or from mike.johnson@mail.house.gov)
- p. Representative Paul Gosar or any staffer or representative of Representative Gosar (including but not limited to emails to or from paul.gosar@mail.house.gov)
- q. Representative Tom McClintock or any staffer or representative of Representative McClintock (including but not limited to emails to or from tom.mcclintock@mail.house.gov)

2) All records reflecting communications (including email messages, email attachments, calendar entries/invitations) sent by [Brian Klippenstein] to any person or entity outside of USDA (including emails on which such entities are copied or blind copied) containing any of the following terms:

- a. “endangered species”
- b. “threatened species”
- c. “listed species”
- d. “ESA”

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- e. “delist”
- f. “de-list”
- g. downlist
- h. “best scientific and commercial data”
- i. “recovery teams”
- j. “species recovery”
- k. “economic loss”
- l. “economic impact”
- m. “disturbance and destruction”

On December 7, 2018, your request was partially routed to USDA’s Animal and Plant Health Inspection Service (APHIS), for processing and direct response to you on the parts of the request that sought records for certain APHIS employees.

Your request was processed under the FOIA, 5 U.S.C. § 552.

A search for responsive records was conducted by the Office of the Chief Information Officer’s (OCIO) telecommunications provider, the Client Experience Center (CEC). This provider performs network services for the OCIO to include electronic messaging operations, electronic calendars, blackberry, mobile device management (MDM), file and print, remote access, voice, network, service desk, and other application services. The Outlook email accounts associated with Brian Klippenstein were searched, from January 20, 2017, through March 4, 2019, the date of search.

No responsive records were identified as a result of the search.

You may appeal this determination by email at USDAFOIA@ocio.usda.gov, or by mail to the Assistant Secretary for Administration at 1400 Independence Avenue, S.W., Whitten Building, Room 209-A, Washington, D.C. 20250-0103. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The DFO will not consider appeals received after the 90 calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above, a copy of the original request, the DFO’s response to your original request, and a statement explaining the basis of your appeal. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked “Freedom of Information Act Appeal.”

You may seek dispute resolution services from the DFO’s FOIA Public Liaison, Ms. Ravoyne Payton at USDAFOIA@ocio.usda.gov.

You also have the option to seek assistance from the Office of Government Information Services (OGIS). Please visit <https://ogis.archives.gov/mediation-program/request->

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[assistance.htm](#) for information about how to request OGIS assistance in relation to a FOIA request.

If you have any questions regarding the processing of this request, please contact Ms. Camille Aponte at (202) 694-5260, or electronically at Camille.Aponte@usda.gov or USDAFOIA@ocio.usda.gov.

For additional information regarding USDA FOIA regulations and processes, please refer to the information available online at www.dm.usda.gov/foia.

The DFO Team appreciates the opportunity to assist you with this matter.

Sincerely,



Alexis R. Graves
Departmental FOIA Officer
Office of the Chief Information Officer